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SHERRI JONES
WHEELER COUNTY DISTRICT CLERK
P. O. BOX 528
WHEELER, TEXAS 79096
(806)826-5931
(806)826-0346-FAX

October 5, 2017

Court of Criminal Appeals
State of Texas
Box 12308
Capitol Station
Austin, TX 78711

RECEIVED IN
COURT OF CRIMINAL APPEALS

Re: Post Conviction on Writ of Habeas Corpus, Cause No. 4763-A
In the 31st Judicial District Court of Wheeler County, Texas

OCT 09 2017

EX PARTE

Deana Williamson, Clerk

RAJA A NAWAZ

Dear Court of Appeals:

Enclosed please find the Clerks Record on the Post-Conviction Writ of Habeas Corpus on the above referenced defendant.

If you have any questions, please let me know.

Thank you,



Sherri Jones
District Clerk
Wheeler County, Texas

CC: Franklin McDonough, District Attorney
Raja Nawaz

CLERK'S SUMMARY SHEET * * * * * TRANSCRIPT COVER

Rules of Appellate Procedure – Appendix

EX PARTE: APPLICATION FOR WRIT OF HABEAS CORPUS
FROM WHEELER COUNTY
RAJA A NAWAZ 31ST DISTRICT COURT

TRIAL COURT WRIT NO. 4763-A TRIAL COURT CAUSE NO. 4447

APPLICANT'S NAME RAJA A NAWAZ
(as reflected on the Judgment)

OFFENSE: MAN DEL CS PG 2 GT = 400 G
(as described on the Judgment)

SENTENCE: 8 YRS DEFERRED ADJUDICATION PROBATION
(as described on the Judgment)

TRIAL DATE: 09-17-2015
(Date upon which sentence as imposed)

JUDGE'S NAME: STEVEN R. EMMERT
(Judge presiding at Trial)

APPEAL NO: N/A
(if applicable)

CITATION TO OPINION: _____ S.W. 2ND _____
(if applicable)

HEARING HELD: YES _____ NO X
(pertaining to the application for writ)

FINDINGS AND CONCLUSIONS FILED: YES _____ NO X
(pertaining to the application for writ)

RECOMMENDATION: GRANT _____ DENY _____ NONE X
(Trial Court's recommendation regarding application)

JUDGE'S NAME: STEVEN R. EMMERT
(Judge presiding over habeas proceeding)

SHERRI JONES DISTRICT CLERK WHEELER COUNTY, TEX.

BY Sherrí Jones
District Clerk

Case No. 4763-A

(The Clerk of the convicting court will fill this line in.)

FILED FOR RECORD

2017 AUG 16 PM 2:15

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

SHERRI JONES DIST. CLERK
WHEELER COUNTY, TEXAS

APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

NAME: Raja A. Nawaz

DATE OF BIRTH: 06/12/1974

PLACE OF CONFINEMENT: Morton County Detention Center in Versailles, MO

TDCJ-CID NUMBER:

SID NUMBER:

(1) This application concerns (check all that apply):

☐ a conviction

☐ parole

☐ a sentence

☐ mandatory supervision

☐ time credit

☐ out-of-time appeal or petition for
discretionary review

(2) What district court entered the judgment of the conviction you want relief from?
(Include the court number and county.)

31st District Court

(3) What was the case number in the trial court?

4763

(4) What was the name of the trial judge?

Judge Steve R. Emmert

- (5) Were you represented by counsel? If yes, provide the attorney's name:

Adams Tisdell

- (6) What was the date that the judgment was entered?

9/17/2015

- (7) For what offense were you convicted and what was the sentence?

Manufacture or Delivery of a Controlled Substance

- (8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

No

- (9) What was the plea you entered? (Check one.)

☐ guilty-open plea

☐ guilty-plea bargain

☐ not guilty

☐ *nolo contendere*/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

- (10) What kind of trial did you have?

☐ no jury

☐ jury for guilt and punishment

☐ jury for guilt, judge for punishment

- (11) Did you testify at trial? If yes, at what phase of the trial did you testify?

Yes, doing the plea

- (12) Did you appeal from the judgment of conviction?

☐ yes

☐ no

If you did appeal, answer the following questions:

- (A) What court of appeals did you appeal to? N/A

- (B) What was the case number? N/A

- (C) Were you represented by counsel on appeal? If yes, provide the attorney's name:

N/A

- (D) What was the decision and the date of the decision? N/A

- (13) Did you file a petition for discretionary review in the Court of Criminal Appeals?

☐ yes

☐ no

If you did file a petition for discretionary review, answer the following questions:

- (A) What was the case number? N/A

- (B) What was the decision and the date of the decision? N/A

- (14) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *this conviction*?

☐ yes

☐ no

If you answered yes, answer the following questions:

- (A) What was the Court of Criminal Appeals' writ number?

N/A

(B) What was the decision and the date of the decision? N/A

(C) Please identify the reason that the current claims were not presented and could not have been presented on your previous application.

N/A

(15) Do you currently have any petition or appeal pending in any other state or federal court?

☐ yes

☐ no

If you answered yes, please provide the name of the court and the case number:

(16) If you are presenting a claim for time credit, have you exhausted your administrative remedies by presenting your claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies)

☐ yes

☐ no

N/A

If you answered yes, answer the following questions:

(A) What date did you present the claim? N/A

(B) Did you receive a decision and, if yes, what was the date of the decision?

N/A

If you answered no, please explain why you have not submitted your claim:

- (17) Beginning on page 6, state *concisely* every legal ground for your claim that you are being unlawfully restrained, and then briefly summarize the facts supporting each ground. You must present each ground on the form application and a brief summary of the facts. *If your grounds and brief summary of the facts have not been presented on the form application, the Court will not consider your grounds.* If you have more than four grounds, use pages 14 and 15 of the form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence. The recitation of the facts supporting each ground must be no longer than the two pages provided for the ground in the form.

You may include with the form a memorandum of law if you want to present legal authorities, but the Court will *not* consider grounds for relief set out in a memorandum of law that were not raised on the form. The citations and argument must be in a memorandum that complies with Texas Rule of Appellate Procedure 73 and does not exceed 15,000 words if computer-generated or 50 pages if not. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum.

GROUND ONE:

Ineffective Assistance of Counsel

Failure to Investigate the Case

FACTS SUPPORTING GROUND ONE:

On several occasions, Defendant asked Mr. Tisdell to have the substance tested and the

Defendant would pay the entire cost. But, Mr. Tisdell always had an excuse for not testing the

Substance. Defendant wanted an independent testing of the substance. The substance never was

independently tested. Which still leaves the question, what was the substance? Mr. Tisdell

managed to give excuses until time ran out. Counsel violated his duty to reasonably investigate

the case. The counsel cannot rely on prosecution's investigation on the case.

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

GROUND TWO:

Ineffective Assistance of Counsel

Counsel Did Not Reasonably Keep Defendant Informed of the Case

FACTS SUPPORTING GROUND TWO:

On several occasions, Defendant requested copies of the file that was in the possession of Mr.

Tisdell. Example: the D.P.S. Lap Report and Charging Documents. But, Mr. Tisdell continued

to make more excuses of reasons of why he did not send the file. Mr. Tisdell did not

keep the Defendant reasonably informed of the case.

GROUND THREE:

Ineffective Assistance of Counsel

Counsel Did Not Know the Law Governing the Case

FACTS SUPPORTING GROUND THREE:

There was some dispute of what the minimum punishment was. Was it 5 or 10 years? And was

the maximum fine, \$10,000 or \$15,000? The Judge said it was \$10,000 then ordered Defendant

to pay a fine of \$15,000. It is apparent that no one knew what the penalty range for this case.

Counsel's conduct so undermined proper functioning of adversarial process that trial cannot be

Relied on as having produced a just result.

This is a classic case that Strickland vs. Washington says that it is ineffective assistance of coun-
sel.

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or legal pad style. There is no handwriting or other markings on the page.

WHEREFORE, APPLICANT PRAYS THAT THE COURT GRANT APPLICANT RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.

VERIFICATION

This application must be verified or it will be dismissed for non-compliance. For verification purposes, an applicant is a person filing the application on his or her own behalf. A petitioner is a person filing the application on behalf of an applicant, for example, an applicant's attorney. An inmate is a person who is in custody.

The inmate applicant must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public. If the inmate is represented by a licensed attorney, the attorney may sign the "Oath Before a Notary Public" as petitioner and then complete "Petitioner's Information." A non-inmate applicant must sign the "Oath Before a Notary Public" before a notary public unless he is represented by a licensed attorney, in which case the attorney may sign the verification as petitioner.

A non-inmate non-attorney petitioner must sign the "Oath Before a Notary Public" before a notary public and must also complete "Petitioner's Information." An inmate petitioner must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public and must also complete the appropriate "Petitioner's Information."

OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____

_____, being duly sworn, under oath says: "I am the applicant / petitioner (circle one) in this action and know the contents of the above application for a writ of habeas corpus and, according to my belief, the facts stated in the application are true."

Signature of Applicant / Petitioner (circle one)

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____.

Signature of Notary Public

PETITIONER'S INFORMATION

Petitioner's printed name: _____

State bar number, if applicable: _____

Address: _____

Telephone: _____

Fax: _____

INMATE'S DECLARATION

I, RAJA A. NAWAZ, am the applicant / petitioner (circle one) and being presently incarcerated in MORGAN COUNTY A.D.C., declare under penalty of perjury that, according to my belief, the facts stated in the above application are true and correct.

Signed on Aug. 1st, 20 17.
R. Vanier

(Signature of Applicant) / Petitioner (circle one)

Raja A. Nawaz
c/o Morgan County A.D.C. (Jail)
211 E. Newton St. #2
Versailles, MO 65084

PH: 573 378 6860

PETITIONER'S INFORMATION

Petitioner's printed name: RAJIA A. NAWAZ

Address: 211 E. NEWTON ST #2
VERSAILLES, MO 65084

Telephone: _____

Fax: _____

Signed on _____, 20____.

Signature of Petitioner

[illegible]

Name: RAJA A NAWAZ
DOB: 06/12/1974
SID #:
Offense date: October 25, 2011
Case Incident #11-10-1321

Offense: MAN DEL CS PG 2 GT=400G
Sec.: 481.113(e) HSC
Degree: F*
Enhanced:
CJIS #: 35990009
TRN #:

CAUSE NO. 4763

BOND \$ 75,000
5K

INDICTMENT

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of WHEELER, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the January Term, A.D., 2014, of the 31ST Judicial District Court for said County, upon their oaths present in and to said Court at said term that

RAJA A NAWAZ

hereinafter styled Defendant, on or about October 25, 2011, and before the presentment of this indictment, in the County and State aforesaid, did then and there knowingly possess with intent to deliver a controlled substance, namely, JWH-122,

against the peace and dignity of the State.

Bobby Zant
Foreperson of the Grand Jury

WITNESSES:

J. Seckels

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SHERI JONES DIST CLERK
WHEELER COUNTY, TEXAS
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NO. 4763

THE STATE OF TEXAS	§	IN THE 31ST JUDICIAL
VS.	§	DISTRICT COURT OF
RAJA A. NAWAZ	§	WHEELER COUNTY, TEXAS

PLEA BARGAIN RECOMMENDATION

COMES NOW the State, by and through its Attorney, and the Defendant, personally and by and through the Defendant's attorney of record; and enter into the following Plea-Bargaining Agreement.

As the result of negotiations between the parties, it is mutually recommended to the Court that punishment be assessed at:

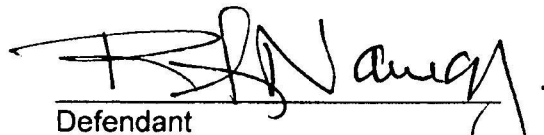
(x) Eight (8) Years deferred adjudication probation pursuant to Article 42.12, Code of Criminal Procedure;

(x) \$15,000.00 fine paid at time of plea;

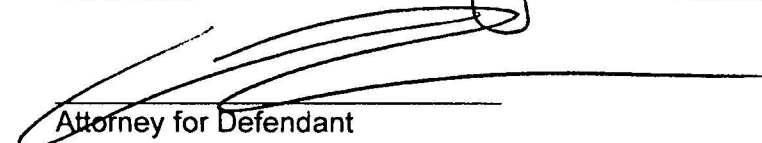
(x) \$180.00 restitution paid at time of plea;


(x) Defendant shall perform 320 hours of community service.

SIGNED this 17th day of September, 2015.


Defendant


Attorney for the State


Attorney for Defendant

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WHEELER COUNTY, TEXAS
BY 

DISCOVERY LOG

State v. RAJA A. NAWAZ

Cause #4763

ITEM	PAGES
Offense Report of Deputy Jason Holt	10
Supplemental Report Deputy Jayme Schlabs	1
Photographs	7
Lab Submission Forms	3
DVD-Video – Traffic Stop	2
CD- Photos	1
Laboratory Report	2
Precept to Serve and Capias	2
Booking sheet	1
CCH	5
Tracking Sheet	1
Magistrate's Warning	1

NO. 4763

THE STATE OF TEXAS	§	IN THE 31ST JUDICIAL
VS.	§	DISTRICT COURT OF
RAJA A. NAWAZ	§	WHEELER COUNTY, TEXAS

MOTION FOR DEFERRED ADJUDICATION - FELONY

COMES NOW the Defendant in the above numbered and entitled cause, and makes application herein, within the time and manner prescribed by law, for placing on deferred adjudication probation and deferral of adjudication of guilt herein. In support whereof, your Applicant would respectfully show the Court the following:

1. Defendant is duly represented by a practicing attorney, as directed by law, is in every way eligible for such deferred adjudication probation, and alleges your Applicant possesses a ll legal requirements to be eligible for such deferred adjudication probation as outlined by law.

2. That the Defendant stands charged, in the above numbered and entitled cause, as therein alleged, for the commission of the offense of

MAN DEL CS PG 2 GT=400G

3. If placed on deferred adjudication probation, Defendant promises to abide by, and obey all the terms and conditions set out and subscribed by the Court in granting said deferred adjudication probation; and will commit no offense against the laws of the State of Texas, other states, or the United States; will abstain from injurious and vicious habits, avoid persons and places of disreputable and harmful character; will periodically report to Applicant's assigned Probation Officer or other official, as may be directed by the Court.

4. That your Applicant, the Defendant herein, will work faithfully toward some suitable employment, and remain within the specified territory permitted and directed by the Court.

5. That your Applicant will pay any fine and/or Court costs incurred, if any be assessed, in respective amounts directed by the Court; and in case damages have been ordered paid or replaced, in connection with the above offense, your Applicant also agrees to pay such damages in such amounts that may be ordered by the Court.

6. That the above Defendant will cooperate with any Probation Officer, to whom your Applicant is assigned, and visit with said official or other officer at such times and places as may be directed by the Court.

7. WHEREFORE, Defendant prays the Court that in case of a finding of evidence sufficient to sustain a conviction herein, that the Court withhold making such finding and rather defer adjudicating the guilt of the defendant and place the defendant on deferred adjudication probation in the manner prescribed by law and as may be directed by the Court.

Defendant

SUBSCRIBED AND SWORN TO BEFORE ME, this 17th day of September, 2015.

Notary Public, State of Texas
My Commission Expires:

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CLERK
WHEELER COUNTY, TEXAS

NO. 4763

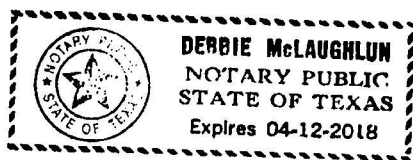
THE STATE OF TEXAS	§	IN THE 31ST JUDICIAL
VS.	§	DISTRICT COURT OF
RAJA A. NAWAZ	§	WHEELER COUNTY, TEXAS


WAIVER OF APPEAL

COMES NOW the defendant, RAJA A. NAWAZ, and files this written Waiver of Appeal, in the above styled and numbered cause.



Defendant


SWORN AND SUBSCRIBED TO BEFORE ME, the undersigned authority, this the 17th day of September, 2015.




Notary Public, State of Texas
Name printed:
My commission expires: _____

ON THIS the 17th day of September, 2015, the Court approves defendant's request stated above.


Judge Presiding

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WHEELER COUNTY, TEXAS
BY 

NO. 4763

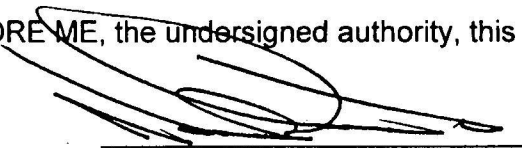
THE STATE OF TEXAS	§	IN THE 31ST JUDICIAL
VS.	§	DISTRICT COURT OF
RAJA A. NAWAZ	§	WHEELER COUNTY, TEXAS

WAIVER OF EXTRADITION

COMES NOW the Defendant, RAJA A. NAWAZ, being charged with the offense of MAN DEL CS PG 2 GT=400G, in consideration of being granted probation, hereby agrees to return to the State of Texas at any time the Defendant is directed to by the sending state or the receiving state or any country. The Defendant acknowledges that he/she may have a constitutional right to insist that the sending state extradite the Defendant from the receiving state or any other state or country where the Defendant may be found. This is commonly called the right to extradition. But the Defendant also understands and acknowledges that the Defendant has agreed to return to the sending state when ordered to do so either by the sending or receiving state or any country. Therefore, the Defendant agrees that he/she will not resist or fight any effort by any state or country to return the Defendant to the sending state and the Defendant agrees to waive any right he/she may have to extradition. The Defendant waives this right freely, voluntarily and intelligently. The Defendant further requests this Court to approve such waiver.


Defendant

SWORN AND SUBSCRIBED TO BEFORE ME, the undersigned authority, this
the 17th day of September, 2015.


Notary Public, State of Texas

ON THIS the 17th day of September, 2015, the Court approves the defendant's waiver as
stated above.


Judge Presiding
Gray County, Texas

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WHEELER COUNTY, TEXAS

NO. 4763

THE STATE OF TEXAS § IN THE 31ST JUDICIAL
VS. § DISTRICT COURT OF
RAJA A. NAWAZ § WHEELER COUNTY, TEXAS

AGREED ORDER OF DESTRUCTION

On this the ^{17th} ~~8th~~ day of September, 2015, came on to be heard the Agreed Order of Destruction in the above entitled and numbered cause.

The Court finds that the State and the Defendant, RAJA A. NAWAZ, have reached an agreement as to the destruction of the AM-2201 and JWH-122 in relation to this cause.

The Court finds that the Defendant understands his/her right to have the AM-2201 and JWH-122 tested by the Texas Department of Public Safety Crime Laboratory. The Court finds that the Defendant waives his/her right to have the AM-2201 and JWH-122 tested and agrees that such AM-2201 and JWH-122 may be destroyed upon the disposition of the above-captioned cause.

IT IS THEREFORE ORDERED that the AM-2201 and JWH-122 in relation to this cause shall be destroyed upon disposition of this cause.

SIGNED this ^{17th} ~~8th~~ day of September, 2015.
_{4.7}



Judge Presiding

AGREED:


Attorney for the State


RAJA A. NAWAZ, Defendant


Adam Tisdell, attorney for Defendant

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SHERRI JONES, CLERK
WHEELER COUNTY, TEXAS

31

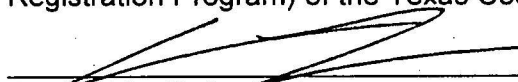
Program, you hereby acknowledge that your attorney has fully advised you about any and all sex offender registration requirements of Chapter 62, Tex.Code.Crim.Proc.

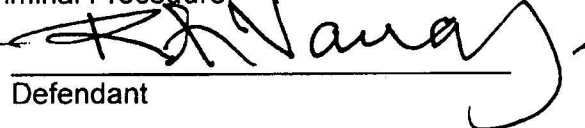
6. **WITHDRAWAL FROM OFFENDER TRUST FUND ACCOUNT:** If the Court sentences you to a term of confinement in a Texas Department of Criminal Justice facility, an order will be entered which requires the Inmate Trust Fund Supervisor to withdraw a specified amount from your Offender Trust Fund Account for the payment of amounts assessed by the Court for court costs, fees, and/or fine pursuant to Government Code, Section 501.014.

DEFENDANT'S WAIVERS AND STATEMENT ON ADMONISHMENTS

Comes now the undersigned Defendant, joined by my counsel, and hereby state that I understand the foregoing admonishments from the Court and am aware of the consequences of my plea. I further state that I am mentally competent and that my plea is freely, knowingly, and voluntarily entered. I was sane at the time of the commission of the offense to which I have plead. If counsel is appointed, I give up and waive any right I may have to wait to prepare for trial. I am totally satisfied with representation given to me by my counsel. My counsel provided fully effective and competent representation. I also waive and give up under Art. 1.14 and 1.141, C.C.P., all rights given to me by law, whether of form, substance, or procedure. Joined by my attorney, I waive and give up my right to a jury in this case under Art. 1.13, C.C.P. Also joined by my attorney under Art. 1.15, C.C.P., I waive and give up the right to appearance, confrontation and cross-examination of the witnesses and I consent to oral and written stipulations of evidence. I waive any right to appeal I may have in this case. No one has threatened me in any way or placed me under any kind of fear in order to cause me to enter a plea to the charge herein and my plea is freely, knowingly, and voluntarily entered. No one has promised me anything, including probation, a pardon, or early parole in order to cause me to enter a plea to the charge herein.

I further state that I understand that if I am convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under Chapter 62 (Sex Offender Registration Program) of the Texas Code of Criminal Procedure, I will be required to meet the registration requirements of Chapter 62 (Sex Offender Registration Program) of the Texas Code of Criminal Procedure. The attorney representing me in these proceedings has advised me regarding the registration requirements under Chapter 62 (Sex Offender Registration Program) of the Texas Code of Criminal Procedure.


Counsel for Defendant


Defendant

ORDER APPROVING ADMONITIONS, WAIVERS, AND JUDICIAL CONFESSION

The Court, having admonished the Defendant as required by law and having inquired of the foregoing statements and waivers by the Defendant, and finding beyond a reasonable doubt that the Defendant's Judicial Confession is true and freely, knowingly, and voluntarily entered, hereby approves the above waivers and receives the Defendant's Judicial Confession.


Judge Presiding



CASE No. 4763

COUNT Single

INCIDENT No./TRN: 11-10-13210109981723

THE STATE OF TEXAS

V.

RAJA A. NAWAZ

STATE ID No.: TX50663487

§
§
§
§
§
§
§

IN THE 31ST DISTRICT FILED FOR RECORD

COURT

2015 SEP 17 PM 1:51

WHEELER COUNTY, TEXAS

SHERRI JONES DIST. CLERK
WHEELER COUNTY, TEXAS

BY

ORDER OF DEFERRED ADJUDICATION

Judge Presiding: HON. STEVEN EMMERT

Date Order Entered: 9/17/2015

Attorney for State: FRANKLIN MCDONOUGH

Attorney for Defendant: ADAM TISDELL

Offense:

MAN DEL CS PG 2 GT=400G - 359900009

Charging Instrument:

INDICTMENT

Statute for Offense:

481.113(e) Health and Safety Code

Date of Offense:

10/25/2011

Degree of Offense:

HYBRID FELONY

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain:

EIGHT (8) YEARS DEFERRED ADJUDICATION PROBATION, \$15,000 FINE TO BE PAID AT TIME OF PLEA AND \$180 RESTITUTION TO BE PAID AT TIME OF PLEA

Plea to 1st Enhancement

Paragraph: N/A

Plea to 2nd Enhancement/Habitual

Paragraph: N/A

Findings on 1st Enhancement

Paragraph: N/A

Findings on 2nd

Enhancement/Habitual Paragraph: N/A

**ADJUDICATION OF GUILT DEFERRED;
DEFENDANT PLACED ON COMMUNITY SUPERVISION.****PERIOD OF COMMUNITY SUPERVISION: EIGHT (8) YEARS**Fine:

\$ 15,000.00

Court Costs:

\$ 393.00

Restitution:

\$ 180.00

Restitution Payable to:☐ VICTIM (see below) ☒ AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A .

Time N/A DAYS

Credited: NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Wheeler County, Texas. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)☒ Defendant appeared in person with Counsel.☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered a plea as indicated above. The Court admonished the Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court FINDS such evidence substantiates Defendant's guilt. The Court FINDS that, in this cause, it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on community supervision.

The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS that Defendant is given credit noted above for the time spent incarcerated. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

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The Court **ORDERS** that no judgment shall be entered at this time. The Court further **ORDERS** that Defendant be placed on community supervision for the adjudged period so long as Defendant abides by and does not violate the terms and conditions of community supervision. See TEX. CODE CRIM. PROC. art. 42.12 § 5(a).

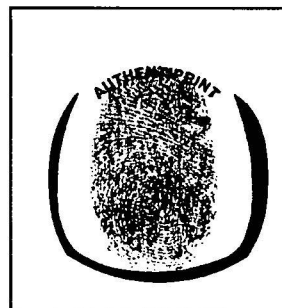
Furthermore, the following special findings or orders apply:

THE DEFENDANT SHALL PAY RESTITUTION TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY, RESTITUTION ACCOUNTING, P.O. BOX 4087, AUSTIN, TEXAS, 78711-4087.

Signed and entered on September 17, 2015


X
STEVEN EMMERT
JUDGE PRESIDING

Clerk: Sherri Jones



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NO. 4763

FILED FOR RECORD

THE STATE OF TEXAS

§

IN THE 31ST JUDICIAL DISTRICT

VS.

§

DISTRICT COURT, WHEELER COUNTY, TEXAS

RAJA A. NAWAZ

§

WHEELER COUNTY, TEXAS

TRN: 0109981723

SID: 50663487

ORDER IMPOSING CONDITIONS OF COMMUNITY SUPERVISION

In accordance with the authority conferred by article 42.12 of the Code of Criminal Procedure, the Court has placed the Defendant on community supervision in the above styled and numbered cause for the offense of MAN DEL CS PG 2 GT=400G for a **period of Eight (8) Years**. The Court hereby **ORDERS** the Defendant to comply with the following conditions of community supervision:

1. Obey all orders of the Court and the Community Supervision Officer in charge of the case.
2. Defendant shall commit no offense against the laws of this or any State or of the United States or any other Country. Defendant shall notify the Community Supervision Officer in charge of the case within forty eight (48) hours of being arrested and/or charged with a criminal offense.
3. Defendant shall avoid injurious or vicious habits; abstain from the use of alcoholic beverages; abstain from the use of narcotic or habit forming drugs without a doctor's prescription. Defendant shall not possess nor consume any alcoholic beverages. Defendant shall not possess nor consume any narcotic or dangerous drugs which are illegal under the laws of the State of Texas.
4. Defendant shall avoid persons or places of disreputable or harmful character; do not associate with persons with felony criminal records, persons who possess, use, or sell narcotics or habit forming drugs; avoid places where narcotic or habit forming drugs are illegally possessed, sold or used, and places where alcoholic beverages are possessed, sold, or used.
5. Defendant shall report to the Community Supervision Officer on a monthly basis or as otherwise directed by the Supervising Officer in charge of the case.
6. Defendant shall permit the Community Supervision Officer to visit at their home or elsewhere, and to submit to an inspection of his person or premises for contraband, including alcohol and/or narcotic drugs.
7. Defendant shall work faithfully at suitable employment as far as possible.
8. Defendant shall not change employment or place of residence without the permission of the Community Supervision Officer.
9. Defendant shall remain within the supervising county, unless given permission to depart by the Community Supervision Officer in charge of the case.

10. Defendant shall support their dependents.
11. Defendant shall pay their fine, if one is assessed, transcript fees, and the costs of Court, in one or several sums, and make restitution in any sum the Court shall determine, to-wit:

\$393.00 Court Costs

\$-0- Fine

\$-0- Restitution

\$-0- Court-Appointed Attorney's Fees


The above unpaid is to be paid in payments each month as determined by the Community Supervision and Corrections Department until fully paid, to the Community Supervision and Corrections Department; the first monthly payment shall be made on or before the expiration of one month from the date of this order. Each monthly payment shall be made the last day of each month thereafter.

12. Defendant shall pay a \$60.00 per month community supervision fee to the Community Supervision and Corrections Department, beginning on the date of this order. Each monthly payment shall be made by the last day of each month thereafter.
13. Defendant shall perform 320 hours of Community Service Restitution at a governmental, charitable, or non-profit organization as assigned by the Community Supervision Officer in charge of the case, at a rate of no less than 12 hours per month, beginning within thirty (30) days of today's date and be responsible for any costs of supervision.
14. Defendant shall submit an oral, urine or blood sample to the Community Supervision Officer in charge of their case at any time a request for such sample is made. The Defendant shall pay all expenses in connection with the analysis of said samples.
15. Before leaving the State of Texas, the defendant shall deposit cash in the amount sufficient to cover the cost of extradition back to the State of Texas. This cash must be posted with the County Treasurer's Office before any transfer of supervision is authorized and shall be returned to the defendant upon termination of his supervision. This money will be used only for the purpose of extradition, should that need arise.
16. Defendant shall comply with a course of conduct prescribed by the Community Supervision officer in charge of the case for rehabilitation of alcohol or drug dependency. The Defendant shall pay all expenses in connection with said rehabilitation.
17. Defendant shall submit to literacy testing conducted by the Education/Literacy Coordinator at the Community Supervision and Corrections Department on or before the expiration of one month from the date of this order, and attend weekly tutoring as deemed necessary on the basis of education evaluation.
18. Defendant shall complete an education screening exam on or before the expiration of one week from the date of this order and if required by the Community Supervision Officer in charge of the case, shall attend education classes as directed and attain a GED.
19. Defendant shall pay a \$200.00 transfer fee each and every time the defendant's probation is transferred to another State or County.

20. Defendant shall not buy, sell or possess a firearm during the term of community supervision.
21. Defendant shall submit a DNA sample to the Community Supervision Officer in charge of their case for the purpose of creating a DNA record of the Defendant, unless the Defendant has already submitted the required sample under other state law.
22. Defendant shall attend and successfully complete an educational program for drug offenders approved by the Texas Commission on Alcohol and Drug Abuse before the 181st day after the date of this judgment and pay all costs of the program.

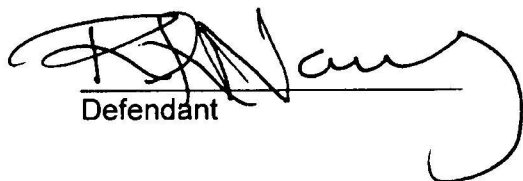
The Defendant is hereby advised that, under the laws of the State of Texas, the Court shall determine the conditions of community supervision and may, at any time during the period of supervision, alter or modify the conditions of supervision. The Court also may extend the period of supervision and has the authority to revoke the community supervision at any time during the period of supervision for any violation of the conditions.

Signed this the 17th day of September, 2015.



Judge Presiding

Receipt is hereby acknowledged on the date shown above of one copy of the above order.



Defendant

Community Supervision Officer

Defendant's right thumbprint

From: Gray County DA

806 869 8060

08/31/2017 13:47

#736 P.001/001

Aug/18/2017 3:01:58 PM

Wheeler County District Clerk 806.826.0346

1/17

**SHERRI JONES
DISTRICT CLERK
WHEELER COUNTY
P O BOX 528
WHEELER, TX 79096
806-826-5931
FAX 806-826-0346**

FILED FOR RECORD

2017 AUG 31 PM 2: 34

SHERRI JONES DIST. CLERK
WHEELER COUNTY, TEXAS

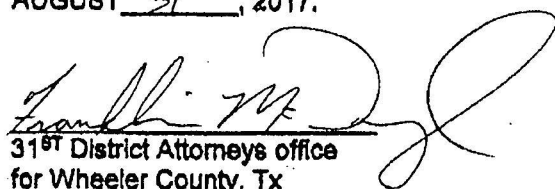
BY 

August 18, 2017

RE: RAJA A NAWAZ
POST CONVICTION WRIT OF HABEAS CORPUS

THE STATE OF TEXAS
CAUSE NO. 4783-A
WHEELER COUNTY, TEXAS

The District Attorney, Franklin McDonough, of Wheeler County has received the Application for Writ of Habeas Corpus, by Fax, on the upon styled case from Sherri Jones, District Clerk of Wheeler County, Wheeler, Texas on AUGUST 31, 2017.


31ST District Attorneys office
for Wheeler County, Tx

****Attached is your copy of the Application for Writ of Habeas Corpus-Post Conviction. After signing this receipt, please fax back to my office 826-0346. Thank you, Sherri Jones, District Clerk/Wheeler Co.**

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CAUSE NO. 4763-A

EX PARTE

} IN THE 31ST DISTRICT COURT

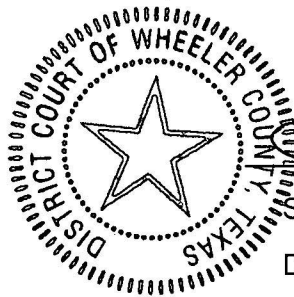
RAJA A NAWAZ

} OF WHEELER COUNTY, TEXAS

CLERK'S CERTIFICATE OF NON-ACTION BY TRIAL COURT

This is to certify that the above-numbered and entitled Post Conviction Application for Writ of Habeas Corpus was filed in this court on the 16TH day of AUGUST, 2017, and a copy of said petition was Faxed & Signed for by the District Attorney's office on the 31ST day of AUGUST, 2017; that further, as clerk of this court, I hereby certify that no action has been taken by the trial court within a 35-day time limit from the filing of this petition.

So certified this the 5TH day of OCTOBER, 2017.



Sherrri Jones

SHERRI JONES

DISTRICT CLERK

WHEELER COUNTY

BILL OF COST

THE STATE OF TEXAS

COUNTY OF WHEELER

The total cost assessed in this case for court costs, fees and/or fines:

<u>Fine, Fees & Court Costs</u>	<u>ASSESSED</u>	<u>BALANCE</u>
CLERK (102.005 CCP)	\$40.00	\$0.00
STATE (102.075) CCC	\$133.00	\$0.00
COURTHOUSE SECURITY FUND	\$5.00	\$0.00
RECORDS PRESERVATION FEE	\$22.50	\$0.00
RECORDS PRESERVATION FEE	\$2.50	\$0.00
JUDICIAL FUND (102.022CCP)	\$5.40	\$0.00
JUDICIAL FUND (102.022CCP)	\$0.60	\$0.00
INDIGENT DEFENSE FEE (102	\$2.00	\$0.00
JUROR REIMB FEE 102.0045G	\$4.00	\$0.00
TECHNOLOGY FEE	\$4.00	\$0.00
DRUG COURT FEE (102.0178C	\$60.00	\$0.00
CRIMINAL E-FILING	\$5.00	\$0.00
TIME PAYMENT FEE (133.103	\$25.00	\$0.00
WARRANT OR CAPIAS	\$50.00	\$0.00
DNA FEE PROB & DEFERRED	\$34.00	\$0.00
<u>FINE</u>	<u>\$15,000.00</u>	<u>\$0.00</u>
	\$15,393.00	\$0.00

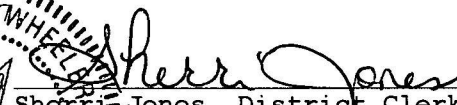
Wheeler County Cause No. 4763
 COURT: 31ST DISTRICT COURT
 OFFENSE/S: MAN DEL CS PG 2 OR 2-A >=400G

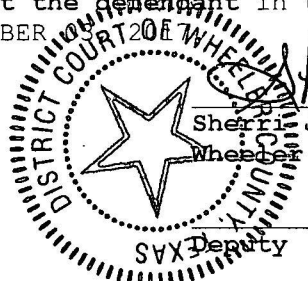
THE STATE OF TEXAS
 Plaintiff
 VS
 NAWAZ, RAJA A
 Defendant

DISTRICT COURT OF WHEELER COUNTY, TEXAS

Time payment fee of \$25 will be assessed if any part of the fine, court costs, or restitution is paid on or after the 31st day after the date the judgment assessing the fine, court costs or restitution is entered See Texas Local Government Code, Section 133.103.

I, Sherri Jones, District Clerk in and for Wheeler County, Texas do hereby certify that the foregoing is a correct account of the court costs, fees and/or fines adjudged against the defendant in the above entitled and numbered cause, up to this date, OCTOBER 2018.


 Sherri Jones, District Clerk
 Wheeler County, Texas


 District Court of Wheeler County, Texas
 Sheriff's Office

CLERK'S CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WHEELER,


I, SHERRI JONES, CLERK OF THE 31ST DISTRICT COURT OF WHEELER COUNTY, STATE OF TEXAS, DO HEREBY CERTIFY THAT THE DOCUMENTS CONTAINED IN THIS RECORD TO WHICH THIS CERTIFICATION IS ATTACHED ARE ALL OF THE DOCUMENTS SPECIFIED BY TEXAS RULE OF APPELLATE PROCEDURE 34.5 (A) AND ALL OTHER DOCUMENTS TIMELY REQUESTED BY THE PARTY TO THIS PROCEEDING UNDER TEXAS RULE OF APPELLATE PROCEDURE 34.5 (B).

CAUSE NO. 4763-A

EX PARTE
VS
RAJA A NAWAZ

GIVEN UNDER MY HAND AND SEAL AT MY OFFICE IN WHEELER,
COUNTY, TEXAS ON THE 5TH DAY OF OCTOBER, 2017.





SHERRI JONES
DISTRICT CLERK
WHEELER COUNTY, TEXAS